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In re Application of:
Wail M. Refai
Application No.: 09/048,686
Filed: March 26, 1998
For: **BROADBAND COMMUNICATION
SYSTEM USING POINT AND SHOOT
APPROACH**

**DECISION ON PETITION TO
WITHDRAW HOLDING OF
ABANDONMENT**

This is a decision on the Petition to Withdraw Holding of Abandonment filed May 23, 2005, pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.


This application was held abandoned for because the time period for seeking court review of the Board of Patent Appeals and Interference's decision (mailed December 10, 2004) had expired and there were no allowed claims. It is also assumed that the Notice of Abandonment's intent was to indicate that applicant had not responded within the given time period. A Notice of Abandonment was mailed March 30, 2005.

In support of the petition, petitioners has included with the petition a copy of a Request for Continued Examination, copy of the preliminary amendment, post card receipt (date-stamped as received on February 14, 2005) and RCE transmittal form. Both the preliminary amendment and RCE transmittal include a certificate of mailing dated February 10, 2005.

A review of the file record reveals that Applicant's Request for Continued Examination and preliminary amendment with proper certificate of mailing, have been matched with the application. The Office's revenue accounting and management software also indicates that Applicant's fees for the RCE filing fee, was received on February 14, 2004 and processed on February 15, 2005. Therefore, the record is clear that the application was *not abandoned in fact*.

Therefore, the Notice of Abandonment is vacated and the holding of abandonment withdrawn. The Office regrets any inconvenience caused by the mailing of the Notice of Abandonment.

The application file is being forwarded to TC 2600's Technical Support Staff for processing the Request for Continued Examination and entry of Applicant's submission. From there, the application will be forwarded to the examiner to be processed in appropriate turn.


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